

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05 10307 JLT

VERMONT MUTUAL INSURANCE COMPANY
as subrogee of TIMOTHY D. STEIN and
WAYNE ROLF
Plaintiff,

v.

DAVID'S FLOOR SERVICE, INC.
and
MIN DANG, d/b/a
DAVID'S FLOOR SERVICE,
Defendants
Third-Party Plaintiffs
and
MUOI BUI a/k/a MUOI PHAM,
AS ADMINISTRATRIX OF
THE ESTATE OF TOAN BUI
d/b/a/ BLESS HARDWOODS

v.

MUOI BUI a/k/a MUOI PHAM,
AS ADMINISTRATRIX OF
THE ESTATE OF TOAN BUI
d/b/a/ BLESS HARDWOODS
Third-Party Defendants

MOTION IN LIMINE OF DAVID FLOOR SERVICE INC.
RE: INSURANCE

The defendant David's Floor Service Inc. respectfully moves this court for an order precluding plaintiff's counsel from referring to the existence of any liability insurance that may be available to the defendant, and also for an order that plaintiff's counsel instruct his witnesses to make no such reference. See Leavitt v. Glick Realty Corp., 362 Mass. 370, 372 (1972)(mention of insurance without

justification, i.e. issue of ownership/control, is prejudicial error); see also Goldstein v. Gontarz, 364 Mass. 800, 808 (1974).

The defendant,
David's Floor Service, Inc.,
by its attorney,

Date: August 11, 2006

/s/ Susan Johnson Bowen
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 11, 2006.

/s/Susan Johnson Bowen